APPENDIX

DUE PROCESS CHALLENGES TO PUNITIVE DAMAGE AWARDS AFTER *STATE FARM I*

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
In re Exxon Valdez, 296 F. Supp. 2d 1071 (D. Alaska 2004)	$5,000,000,000	$513,147,740	$4,500,000,000	$513,147,740	9.7	8.8
Planned Parenthood v. *Am. Coalition of Life Activists*, 300 F. Supp. 2d 1055 (D. Or. 2004)	$108,500,000	$526,336.14	$108,500,000	$526,336.14	206.1	206.1
Williams v. *Philip Morris, Inc.*, 92 P.3d 126 (Or. Ct. App. 2004)	$79,500,000	$821,485.80	$79,500,000	$821,485.80	96.8	96.8
Southern Union Co. v. *Southwest Gas Corp.*, 281 F. Supp. 2d 1090 (D. Ariz. 2003)	$60,000,000	$390,072.58	$60,000,000	$390,072.58	153.8	153.8

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Rhone-Poulenc Agro, S.A. v. *DeKalb Genetics Corp.*, 345 F.3d 1366 (Fed. Cir. 2003), *cert. denied*, 124 S. Ct. 1423 (2004)	$50,000,000	$15,000,000	$50,000,000	$15,000,000	3.3	3.3
TVT Records v. *Island Def Jam Music Group*, 279 F. Supp. 2d 413 (S.D.N.Y. 2003), *Mot. for Costs and Fees granted in part, denied in part*, 288 F. Supp. 2d 506 (S.D.N.Y. 2003)	$108,000,000	$23,496,746	$29,125,000	$23,496,746	4.6	1.2

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Interclaim Holdings Ltd. v. *Ness, Motley, Loadholt, Richardson & Poole*, 2004 WL 725287 (N.D. Ill. Apr. 1, 2004)	$27,700,000	$8,300,000	$27,700,000	$8,300,000	3.3	3.3
Union Pac. R.R. v. *Barber*, 2004 WL 352525 (Ark. Feb. 26, 2004)	$25,000,000	$5,100,000	$25,000,000	$5,100,000	4.9	4.9
Romo v. *Ford Motor Co.*, 6 Cal. Rptr. 3d 793 (Ct. App. 2003)	$290,000,000	$4,574,429	$23,723,287	$4,574,429	63.4	5.2
Advocat, Inc. v. *Sauer*, 111 S.W.3d 346 (Ark. 2003), *cert. denied*, 124 S. Ct. 535 (2003).	$63,000,000	$15,000,000	$21,000,000	$5,000,000	4.2	4.2

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Bogle v. *McClure*, 332 F.3d 1347 (11th Cir. 2003), *cert. dismissed*, 124 S. Ct. 1168 (2004)	$14,000,000	$7,000,000	$13,300,000	$3,500,000	2.0	3.8
Eden Elec., Ltd. v. Amana Co., 370 F.3d 824 (8th Cir. 2004)	$10,000,000	$2,100,000	$10,000,000	$2,100,000	4.8	4.8
Campbell v. *State Farm Mut. Auto. Ins. Co.*, 2004 WL 869188 (Utah Apr. 23, 2004)	$145,000,000	$1,000,000	$9,018,780.75	$1,000,000	145.0	9.0
Henley v. *Philip Morris Inc.*, 9 Cal. Rptr. 3d 29 (Ct. App. 2004), *review granted, depublished by*, 88 P.3d 497 (Cal. 2004)	$50,000,000	$1,500,000	$9,000,000	$1,500,000	33.3	6.0

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Hangarter v. Provident Life & Accident Ins. Co., 373 F.3d 998 (9th Cir. 2004)	$5,000,000	$1,920,849	$5,000,000	$1,920,849	2.6	2.6
Trinity Evangelical Lutheran Church v. *Tower Ins. Co.*, 661 N.W.2d 789 (Wis. 2003), *cert. denied*, 124 S. Ct. 925 (2003)	$3,500,000	$490,000	$3,500,000	$490,000	7.1	7.1
Bocci v. *Key Pharm., Inc.*, 76 P.3d 669 (Or. Ct. App. 2003), *modified on recons.*, 79 P.3d 908 (Or. Ct. App. 2003)	$22,500,000	$500,000	$3,500,000	$500,000	45.0	7.0

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Sufix , U.S.A., Inc. v. *Cook*, 2004 WL 362177 (Ky. App. Feb. 27, 2004)	$3,000,000	$2,800,000	$3,000,000	$2,800,000	1.1	1.1
Hollock v. *Erie Ins. Exch.*, 842 A.2d 409 (Pa. Super. 2004)	$2,800,000	$278,825	$2,800,000	$278,825	10.0	10.0
Zhang v. *American Gem Seafoods, Inc.*, 339 F.3d 1020 (9th Cir. 2003), *cert. denied*, 124 S. Ct. 1602 (2004)	$2,600,000	$360,000	$2,600,000	$360,000	7.2	7.2
Gallegos v. *Elite Model Mgmt. Corp.*, 2004 WL 51604 (N.Y. Sup. Ct. Jan. 6, 2004)	$2,600,000	$1,100,000	$2,600,000	$1,100,000	2.4	2.4

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Austin v. *Specialty Transp. Servs., Inc.*, 358 S.C. 298 (S.C. Ct. App. 2004)	$2,600,000	$1,025,000	$2,600,000	$1,025,000	2.5	2.5
McClain v. *Metabolife Int'l, Inc.*, 259 F. Supp. 2d 1225 (N.D. Ala. 2003)	$3,100,000	$711,000	$2,550,000	$711,000	4.4	3.6
Greenberg v. *Paul Revere Life Ins. Co.*, 2004 WL 74630 (9th Cir. Jan. 12, 2004), rehearing denied, 2004 U.S. App. LEXIS 4238 (9th Cir. Mar. 4, 2004), *cert. denied*, 124 S. Ct. 2918 (2004)	$2,400,000	$547,445.42	$2,400,000	$547,445.42	4.4	4.4

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Phelps v. *Louisville Water Co.*, 103 S.W.3d 46 (Ky. 2003)	$2,000,000	$176,261.64	$2,000,000	$176,261.64	11.3	11.3
Stogsdill v. Healthmark Partners, L.L.C., 2004 U.S. App. LEXIS 15276 (8th Cir. July 23, 2004)	$5,000,000	$500,000	$2,000,000	$500,000	10.0	4.0
Simon v. *San Paulo U.S. Holding Co.*, 7 Cal. Rptr. 3d 367 (Cal. Ct. App. 2003), *review granted*, *depublished by*, 86 P.3d 881 (Cal. 2004)	$1,700,000	$400,000	$1,700,000	$400,000	4.3	4.3
Maya B. v. *Vogel*, 2004 WL 551325 (Cal. Ct. App. Mar. 22, 2004)	$1,600,000	$790,000	$1,600,000	$790,000	2.0	2.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Collins Entm't Corp. v. *Coats & Coats Rental Amusement*, 584 S.E.2d 120 (S.C. Ct. App. 2003)	$1,569,013	$157,449.66	$1,569,013	$157,449.66	10.0	10.0
Bardis v. Oates, 14 Cal. Rptr. 3d 89 (Cal. Ct. App. 2004)	$7,000,000	$165,527.63	$1,500,000	$165,527.63	42.3	9.1
Borne v. *Haverhill Golf & Country Club, Inc.*, 791 N.E.2d 903 (Mass. App. Ct. 2003), *review denied*, 795 N.E.2d 573 (Mass. 2003)	$1,430,000	$424,000	$1,430,000	$424,000	3.4	3.4
Haggar Clothing Co. v. Hernandez, 2003 WL 21982181 (Tex. Civ. App. Aug. 21, 2003)	$1,400,000	$210,000	$1,400,000	$210,000	6.7	6.7

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Asa-Brandt, Inc. v. ADM Investor Serv., Inc., 344 F.3d 738 (8th Cir. 2003)	$1,250,000	$3,900,000	$1,250,000	$3,900,000	0.3	0.3
Taylor Woodrow Homes, Inc. v. *Acceptance Ins. Cos., Inc.*, 2003 WL 21224088 (Cal. Ct. App. May 28, 2003)	$5,000,000	$293,000	$1,000,000	$293,000	17.1	3.4
Diamond Woodworks, Inc. v. *Argonaut Ins. Co.*, 135 Cal. Rptr. 2d 736 (Cal. Ct. App. 2003), *req. for depublication denied*, 2004 Cal. LEXIS 44 (Jan. 14, 2004)	$14,000,000	$424,100	$1,000,000	$258,570	33.0	3.9

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Bettelman Rec. Enterprises v. City of South El Monte, 2004 Cal. App. Unpub. LEXIS 6448 (July 12, 2004)	$875,000	$600,530	$875,000	$600,530	1.5	1.5
Harris v. *Archer*, 134 S.W. 2d 411 (Tex. Civ. App. 2004)	$1,500,000	$203,895	$815,580	$203,895	7.4	4.0
Reading Radio, Inc. v. *Fink*, 833 A.2d 199 (Pa. Super. 2003)	$805,000	$300,000	$805,000	$300,000	2.7	2.7
Williams v. Conagra Poultry Co., 2004 WL 1752583 (8th Cir. Aug. 6, 2004)	$6,063,750	$600,000	$600,000	$600,000	10.1	1.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Alberts v. Franklin, 2004 Cal. App. Unpub. LEXIS 5698 (June 16, 2004)	$586,000	$241,595.75	$586,000	$241,595.75	2.4	2.4
Gibson v. Total Car Franchising Corp., 2004 U.S. Dist. LEXIS 15205 (M.D.N.C. July 28, 2004)	$550,000	$176,124	$550,000	$176,124	3.1	3.1
Shiv-Ram, Inc. v. *McCaleb*, 2003 WL 23025586 (Ala. Dec. 30, 2003)	$500,000	$176,572.82	$500,000	$176,572.82	2.8	2.8
Waddill v. *Anchor Hocking, Inc.*, 78 P.3d 570 (Or. Ct. App. 2003)	$1,000,000	$100,854	$403,416	$100,854	9.9	4.0
Mathias v. *Accor Econ. Lodging, Inc.*, 347 F.3d 672 (7th Cir. 2003)	$372,000	$10,000	$372,000	$10,000	37.2	37.2

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Textron Fin. Corp. v. Nat'l Union Fire Ins. Co., 13 Cal. Rptr. 3d 586 (Cal Ct. App. 2004)	$1,700,000	$89,744	$360,000	$89,744	18.9	4.0
Brandstetter v. *Holiday Retreats, Inc.*, 2003 WL 22391270 (Cal. Ct. App. Oct. 21, 2003)	$325,000	$125,000	$325,000	$125,000	2.6	2.6
Betterman v. *Fleming Cos.*, 2004 WL 291403 (Wis. Ct. App. Feb. 17, 2004)	$300,000	$255,666	$300,000	$255,666	1.2	1.2
Alfa Life Ins. Co. v. Jackson, 2004 Ala. LEXIS 118 (Ala. Sup. Ct. May 7, 2004)	$1,500,000	$500,000	$300,000	$100,000	3.0	3.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Myers v. Workmen's Auto Ins. Co., 2004 Ida. LEXIS 156 (July 23, 2004)	$300,000	$735	$300,000	$735	408.2	408.2
Hudson v. *Cook*, 105 S.W.3d 821 (Ark. Ct. App. 2003)	$250,000	$35,000	$250,000	$35,000	7.1	7.1
Shales v. *General Chauffeurs, Salesdrivers & Helpers Local Union No. 330*, 2003 WL 22038643 (N.D. Ill. Aug. 28, 2003)	$250,000	$171,500	$250,000	$171,500	1.5	1.5
Waddell v. Roxane Labs, 2004 Ohio App. LEXIS 2021 (May 6, 2004)	$250,000	$135,000	$250,000	$135,000	1.9	1.9

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Craig v. *Holsey*, 590 S.E.2d 742 (Ga. Ct. App. 2003), *cert. denied*, (Ga. 2004)	$200,000	$8,801.40	$200,000	$8,801.40	22.7	22.7
Reatta Resources, Inc. v. *Kraft*, 2004 WL 423144 (Tex. Civ. App. Mar. 9, 2004)	$200,000	$6,000	$200,000	$6,000	33.3	33.3
Willow Inn, Inc. v. *Pub. Serv. Mut. Ins. Co.*, 2003 WL 21321370 (E.D. Pa. May 30, 2003)	$150,000	$150,000	$150,000	$150,000	1.0	1.0
Jones v. *Sheahan*, 2003 WL 22508171 (N.D. Ill. Nov. 4, 2003)	$750,000	$25,000	$150,000	$25,000	30.0	6.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Tapalian v. Tusino, 2004 U.S. App. LEXIS 15252 (1st Cir. July 23, 2004)	$150,000	$58,843	$150,000	$58,843	2.5	2.5
Marmer v. *Unicco Serv. Co.*, 2003 WL 22462053 (E.D. Pa. Oct. 2, 2003)	$140,000	$70,000	$140,000	$70,000	2.0	2.0
Werremeyer v. K.C. Auto Salvage, Co., 2003 Mo. App. LEXIS 1074 (June 30, 2004), *rev'd in part on other grounds*, 134 S.W.3d 633 (Mo. 2004)	$125,000	$9,000	$125,000	$9,000	13.9	13.9
In re Moeller, 2004 Cal. App. Unpub. LEXIS 4767 (May 17, 2004)	$100,000	$50,000	$100,000	$50,000	2.0	2.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
DiSorbo v. *Hoy*, 343 F.3d 172 (2d Cir. 2003), *aff'd*, 74 Fed. Appx. 101 (2003).	$1,275,000	$400,000	$75,000	$250,000	3.2	0.3
Harrelson v. *R.J.*, 2003 WL 22520219 (Ala. Nov. 7, 2003)	$75,000	$15,000	$75,000	$15,000	5.0	5.0
Citizens Nat'l Bank v. Allen Rae Invs., Inc., 2004 WL 454083 (Tex. Civ. App. Mar. 11, 2004), *rehearing denied*, 2004 WL 1595732 (Tex. Civ. App. July 15, 2004).	$65,000	$123,390.43	$65,000	$25,890.43	0.5	2.5
Lincoln v. *Case*, 340 F.3d 283 (5th Cir. 2003)	$100,000	$500	$55,000	$500	200.0	110.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Johnson v. *Ford Motor Co.*, 2003 Cal. App. Unpub. LEXIS 2003 (Nov. 25, 2003), *review granted*, 2004 Cal. LEXIS 2559 (Mar. 24, 2004)	$10,000,000	$17,811.60	$53,435	$17,811.60	561.4	3.0
Sherman v. *Kasotakis*, 314 F. Supp. 2d 843 (N.D. Iowa 2004)	$50,000	$4	$50,000	$4	12500.0	12500.0
Waits v. *City of Chicago*, 2003 WL 21310277 (N.D. Ill. June 6, 2003)	$2,000,000	$15,000	$45,000	$15,000	133.3	3.0
Williams v. *Kaufman County*, 352 F.3d 994 (5th Cir. 2003)	$45,000	$300	$45,000	$300	150.0	150.0

Case	Punitive Damages Before Review	Compensatory Damages or Potential Harm Before Review	Punitive Damages After Review	Compensatory Damages or Potential Harm After Review	Damages Ratio Before Review	Damages Ratio After Review
Stack v. *Jaffee*, 2003 WL 23315191 (D. Conn. July 30, 2003)	$200,000	$2,000	$25,000	$2,000	100.0	12.5
Dunn v. *Village of Put-In-Bay, Ohio*, 2004 WL 169788 (N.D. Ohio Jan. 26, 2004)	$23,422.50	$1,577.50	$23,422.50	$1,577.50	14.8	14.8
Tate v. *Dragovich*, 2003 WL 21978141 (E.D. Pa. Aug. 14, 2003)	$10,000	$1	$10,000	$1	10,000.0	10,000.0
Roth v. *Farner-Bocken Co.*, 667 N.W.2d 651 (S.D. 2003)	$500,000	$25,000	NA	$25,000	20.0	NA
United States v. *Bailey*, 288 F. Supp. 2d 1261 (M.D. Fla. 2003)	$3,000,000	$2,000,000	NA	$2,000,000	1.5	NA

Case	Punitive Damages Before Review	Compen-satory Damages or Potential Harm Before Review	Punitive Damages After Review	Compen-satory Damages or Potential Harm After Review	Dam-ages Ratio Before Review	Dam-ages Ratio After Review
Daka, Inc. v. *McCrae*, 839 A.2d 682 (D.C. App. 2003)	$4,812,500	$187,500	NA	$187,500	25.7	NA
Home Pride Foods of Iowa, Inc. v. *Martin*, 2003 WL 23005185 (Iowa Ct. App. Dec. 24, 2003)	$82,228	$0	NA	$0	Infinite	NA
Blust v. Lamar Adver. Co., 2004 Ohio App. LEXIS 2167 (May 14, 2004)	$2,245,000	$32,000	NA	$32,000	70.2	NA